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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,467	04/26/2001	Walter Mayer	10541/276	8006

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EXAMINER

HARTMAN JR, RONALD D

ART UNIT PAPER NUMBER

2121

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/842,467

Applicant(s)

MAYER, WALTER

Examiner

Ronald D Hartman Jr.

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 18-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-20 are presented.
2. Claims 18-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on July 17, 2004.

Applicant's election with traverse of Group I, claims 1-18 in the reply filed on July 17, 2004 is acknowledged. The traversal is on the ground(s) that the restriction requirement does not set forth a reason for the restriction requirement. This is not found to be persuasive because the restriction requirement is based upon the fact that the two inventions are independent and distinct inventions. Group I is directed to a method for addressing an actuator and a positioning apparatus that utilizes that method. Group II is drawn to a method for heating and cooling a vehicle. There is nothing within claim 18 that relates the actuator structure to the positioning apparatus set forth in claim 13 or the method of addressing the actuator as set forth in claim 1. By definition, the inventions of Group I and II are considered to be both independent and distinct. The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Objections***

3. Claim 1 is objected to because the preamble reads, "determining an address of an actuator *controlled by a system bus*" and it appears that a control device controls the actuator, rather than the system bus, per se.

Furthermore, "using the positioning of at least" should be changed to "based upon a positioning of at least".

Claim 2 is objected to because the examiner is unsure as to what is exactly meant by the use of the word "installing". Is the applicant attempting to claim the actual physical installation of the actuator or is installing meant to convey a feature whereby the actuator's address is recorded or otherwise stored in some fashion?

The examiner has interpreted this feature to be equivalent to a feature wherein the actuator's address, after its determination, is stored in a memory.

Claim 6, lines 2-3, "the group consisting of linear and rotary" is confusing since it seems that the movement of the actuator is either or, but not both. Therefore, the examiner has interpreted this feature to be the equivalent of "the group consisting of linear or rotary".

Furthermore, "the configuration" should be changed to "a configuration".

Claim 13, line 7, "may be" is indefinite claim language since the meets and bounds of the claim cannot be adequately ascertained. This language has been interpreted to be equivalent to "is" since the address of the actuator "is" determined rather than the address "possibly" being determined.

Claim 17 is objected to because the claim sets forth circular logic in that the apparatus comprises a motor vehicle, but the claim further defines the apparatus to be installed in the motor vehicle. This is confusing and should be reworded to more clearly reflect the claimed invention. This limitation has been interpreted to mean an apparatus being installed in the motor vehicle.

### ***Specification***

4. The specification is objected to because "phase information" appears in claim 11, but the specification does not make mention of what is meant by this limitations.

The specification is objected to because claim 9 refers to "electronic integration function" and this feature is not found in the specification, as originally filed.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

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art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 11 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not adequately describe what is meant by "phase information" to the level that one of ordinary skill in the art would be able to use the claimed system using the claimed phase information.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 16, the feature wherein a harness is "consisting of zero, one, two and three" wires is not feasible since if the number of wires is zero, the other elements in the groups would not be possible (one, two and three wires, respectively). Therefore, the meets and bounds of the claim cannot adequately be ascertained, and therefore this claim is indefinite in nature.

The examiner has interpreted this claim to mean "consisting of zero, one, two or three" wires.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

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granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4-6 and 8-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Hinrichs et al., U.S. Patent No. 6,775,767.

As per claims 1 and 13, Hinrichs teaches a method and system for determining the address of an actuator on a bus system, the method comprising:

- identifying at least one end-stop, for an actuator, in a system having at least one actuator; and
- determining an address for the actuator based on a positioning of the at the least one end stop of the actuator.

As per claim 13, Hinrich teaches the system further comprising:

- a controller and a control bus (i.e. Figure 1 elements 24 and 10).

As per claim 2, Hinrichs teaches the installation of the actuator (i.e. Hinrichs system is capable of performing this function), in light of the examiner's interpretation above (See claim objections).

As per claim 4, Hinrich teaches the use of two end stops (i.e. C5 L9-16).

As per claim 5, Hinrich teaches identifying based on an end stop and a reference (i.e. C5 L41-44 and C2 L47-57).

As per claim 6, Hinrich's teaches a radial movement (i.e. Figure 2 element 34).

As per claims 8-9, Hinrich teaches the use of time during identification of an actuator as well as using an electronic integration function (i.e. current)(i.e. C3 L38-42 and C4 L6-11).

As per claim 10, Hinrich teaches the use of a stepper motor (i.e. C4 L55-61).

As per claim 11, Hinrich teaches the use of phase information (i.e. polarization C3 L17-35).

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As per claims 12 and 14, Hinrich teaches actuators having different end stops (i.e. Table 1 and Abstract).

As per claims 15-16, Official Notice is taken with respect to a wire harness and its use in vehicles. See U.S. Patent No. 3,629,783 for instance.

As per claim 16, Hinrich teaches the use of three wires (i.e. Figure 1).

As per claim 17, Hinrich teaches a motor vehicle using the address determination method and system for actuators (i.e. C2 L66- C3L4).

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hinrichs, as applied to claim 1 above, in view of obviousness.

As per claim 3, although Hinrichs does not specifically teach the use of a single end stop to identify the actuator, it would be an obvious variation of Hinrich's disclosed system since clearly if two end stops are used, as taught by Hinrich's disclosed system, than an obvious variation of the system would be to use only one end stop, and this obvious variation would provide for a simpler means of determining the actuators address since less time and fewer actuator movements are needed to determine the actuators address, and this would provide for a system that is equally reliable, but quicker than the system disclosed by Hinrich's, and this would have been obvious to one of ordinary skill in the art at the time the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hinrichs, as applied to claim 1 above, in view of Miller et al., U.S. Patent No. 5,350,983.



As per claim 7, Hinrichs does not teach the use of an encoder to determine an actuator position.

Miller et al. teaches the use of an encoder to determine the actuator position (e.g. Figure 6b element 124 and C7 L31-36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized an encoder for determining the position of the actuator since the use of the actuator would allow for the amount of movement to be converted into a digital value that may be utilized by the system in order to precisely determine the amount of movement, and thereby allow for the simple determination of the value or address of the actuator, using a comparison step, and this would have been obvious to one of ordinary skill in the art at the time the invention was made.

### **Conclusion**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D Hartman Jr. whose telephone number is 703-308-7001. The examiner can normally be reached on Mon. - Fri., 11:30 am - 8:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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